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Date of Deposit December 20, 2004

PATENT
Attorney Docket No.: 020552-007100US
Client Ref. No.: 1057

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By: Ron Antonf

Ron Antonf

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fady Malik et al.

Application No.: 09/927,597

Filed: August 10, 2001

For: HUMAN SMOOTH MUSCLE
MYOSIN HEAVY CHAIN

Customer No.: 20350

Confirmation No.: 8190

Examiner: David J. Steadman, Ph.D.

Art Unit: 1652

**APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. §
1.705**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance mailed September 22, 2004, and in accordance with 37 C.F.R. § 1.705, the Applicants respectfully request reconsideration of the patent term adjustment.

Statement Of Facts - 37 C.F.R. § 1.705(b)(2)

(i) Correct Patent Term Adjustment and Basis

The Applicants respectfully submit that the correct patent term adjustment is 174 days.

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(ii) Relevant Dates

A Notice of Missing Parts was mailed on October 4, 2001. The Applicants mailed a timely Response on November 19, 2001, which was received by the Patent Office on January 3, 2002, one day before the end of the three month period in which to respond. A copy of the USPTO date-stamped postcard is submitted herewith showing receipt of the Response by the Patent Office on January 3, 2002. As indicated on the PAIR Patent Term Adjustment History, a copy of which is submitted herewith, the Patent Office did not acknowledge that the application was complete until January 15, 2002, which is 11 days after the end of the three month period. Receipt of the Response on January 3, 2002, should have been entered into the PAIR system, and the 11 days should not have been charged to the Applicants.

(iii) Terminal Disclaimer

This application is not subject to a terminal disclaimer.

(iv) Circumstances

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application.

Conclusion

The Applicants respectfully request that the patent term adjustment be reconsidered.

The Commissioner is hereby authorized to charge the fee of \$200.00 for filing a request for reconsideration of the patent term adjustment as set forth in § 1.18(e), and any other fees which may be required, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,



Mark G. Sandbaken
Reg. No. 39,354

Date: 12/20/04

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 303-571-4321
MGS/sej
60345636 v1